

REMARKS

In the above-referenced Office Action the Examiner called Applicants' attention to the fact that certain claims previously cancelled were presented in the last amendment as still pending. The Examiner stated, "NOTE: claims 7-9 and 11 were cancelled in an Amendment received 9-3-02 (paper #5). However, the current amendment (paper #11) presents them as 'pending'. This is improper. If applicant wishes these claims to be pending, they should be submitted as new claims. Therefore, claims 7-9 and 11 are considered cancelled and have not been treated in this action."

The present amendment shows these claims as being cancelled.

Now turning to the more substantive issues the Examiner rejected Claims 1-6, 10, and 12-14 under 35 U.S.C. 102(b) as being anticipated by Fiondella (5,337,787) stating, "Fiondella discloses a device for securing a sealing member in a predetermined position comprising a positioning element and retaining element 40. The retaining element is integrally formed as an annulus on a first surface of the positioning element (see Figure 2). The retaining element has a bevel with a first end and second end. The retaining and positioning elements have equal inside diameters. The outside diameter (or the first end of the bevel) of the retaining element is smaller than the

positioning element's and a radius is disposed tangent to the first end of the bevel and first surface. The bevel and first surface form a ledge that extends from a lower portion of the bevel to an outer edge of the surface. Fiondella discloses two positioning elements and two retaining elements. A spacer means (plural posts) is integrally provided between the two positioning and retaining elements."

The Examiner is respectfully requested to reconsider this rejection for the following reasons. First, independent claim 10 has been amended as will be discussed infra. Secondly, the cited reference has been studied carefully and clearly it does not teach or suggest the limitation "... a radius disposed tangent to said at least one of said first surface and said second surface of said positioning element and said first end of said bevel formed on said outer edge of said retaining member." as called for in previously amended independent claim 1 and now in presently thrice amended claim 10. Because claims 2-6 further limit claim 1 which is believed allowable they are also believed allowable. Claims 12-14 have been cancelled and their rejection is therefore rendered moot. Original claim 14 further limits presently thrice amended claim 10 which is believed allowable and therefore it is also believed allowable.

Accordingly, the Examiner is respectfully requested to withdraw his rejection of claims 1-6, 10 and 14 under 35 U.S.C. 102(b) as being anticipated by Fiondella (5,337,787).

Next, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Fiondella. To support this rejection the Examiner stated, "Fiondella does not disclose that the number of posts is four. Using four posts is considered a design choice. See In re Harza 124 VSPQ 378 (CCPA 1960). Further, it is known that a valve cage can have four posts as evidenced by Forster '540. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to use four posts as a matter of choice in design."

The Examiner is respectfully requested to withdraw this rejection also since it provides a further limitation to independent claim 10 which is believed allowable and therefore it is also believed allowable.

The Examiner then rejected Claims 16-20 under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Fiondella. In this rejection the Examiner stated, "Claims 16-21 are considered Jepson claims because of the phrase "the improvement comprising." Therefore, everything before that phrase is considered admitted prior art. Thus, Applicant has disclosed a known combination of a plurality of spool valve shells with a pressure release valve having a high pressure

port, low pressure port, spool valve, check valve, and a reset spool. Applicant has not disclosed spool valve shells comprising two positioning element, two retaining elements, a spacer means, and a sealing member. Fiondella teaches spool valve shells for use with valves, spool and ports. Fiondella teaches a sealing member (o-ring) 36 disposed between two opposing positioning elements of two adjacent valve shells 34. Each shell has two positioning elements, two retaining elements 40 and a spacer means. The retaining and positioning elements have equal inside diameters. The outside diameter of the retaining element is smaller than the positioning element's. Fiondella teaches that the shells/cages provide proper fluid sealing between ports in a valve body (col. 2, lines 56-59). Fiondella teaches that the retaining elements assist in the alignment and proper positioning of the cages and o-rings (col. 3, lines 24-40). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the shells disclosed by the applicant with the shells taught by Fiondella to provide proper positioning and alignment of the cages and seals to ensure proper fluid sealing."

As discussed supra, Fiondella does not teach or suggest the limitation of providing "... a radius disposed tangent to said at least one of said first surface and said second surface of said positioning element and said first end of said bevel formed on

said outer edge of said retaining member;..." as called for in subparagraph (d). Because claims 17-20 provide further limitations to independent claim 16 which is believed allowable for the reasons given they are also believed allowable. Accordingly, the Examiner is respectfully requested to withdraw his rejection of Claims 16-20 under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Fiondella.

Finally, the Examiner rejected Claim 21 under 35 U.S.C. 103(a) as being unpatentable over Applicant's. Admitted Prior Art in view of Fiondella as applied to claim 20 above, and further in view of Applicant's admitted prior art (spec. page 1, lines 19-21). The Examiner stated, in support of this rejection, "Fiondella discloses a resilient seal, but does not specify the material. Applicant admits that using nitrile material for a seal provides a leak-proof seal. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make the seal of nitrile to provide a leak-proof seal."

The Examiner is respectfully requested to withdraw this rejection also since it provides a further limitation to independent claim 16 which is believed allowable and therefore it is also believed allowable.

In summary, it is respectfully submitted that claims 1-6, 10 and 14-21 are in condition for allowance and such allowance by the examiner is respectfully requested.

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412)380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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